

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

AR BUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GmbH,)
Plaintiffs,)
v.) C.A. No. 22-252-JDW
MODERNA, INC. and MODERNATX, INC.,)
Defendants.)

STIPULATION AND ORDER REGARDING PENDING MOTIONS TO SEAL

WHEREAS, two partially opposed motions to seal filed by Defendants Moderna, Inc. and ModernaTx, Inc. (“Moderna”) are currently pending before the Court (D.I. 603 and 619) (the “pending motions to seal”);

WHEREAS, the Court entered an Order on September 26, 2025 (D.I. 622), which concerns many of the same categories of information as those subject to the pending motions to seal; and

WHEREAS, pursuant to the stipulation entered by the Court on September 30, 2025 (D.I. 628), the parties met and conferred about the pending motions to seal and have reached an agreement under which Moderna will no longer seek certain redactions identified in this stipulation based on the guidance provided in the Court’s Order (D.I. 622);

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that Moderna withdraws its motion to seal with respect to the following documents:

- Moderna Exhibit 89 (D.I. 601-2 and 602-2);
- Plaintiffs’ Sur-Reply Brief in support of their Cross-Motion for Summary Judgment (D.I. 610 and 614);
- Plaintiffs’ Exhibit 126 (D.I. 613-5 and 617-5); and

- Plaintiffs' Exhibit 132 (D.I. 613-11 and 617-11).

IT IS FURTHER STIPULATED AND AGREED by the parties, subject to the approval of the Court, that Moderna withdraws its request to make the following redactions, while maintaining its request as to any other redactions in these documents:

- All redactions to Paragraphs 156, and 170 of Moderna's Responses to Plaintiffs' Counterstatement of Facts, and the redactions in the 3rd and 4th lines of Paragraph 157 (maintaining the redaction in the 1st line) (D.I. 599 and 607);
- All redactions to Paragraph 92 of Moderna's Responses to Plaintiffs' Affirmative Statement of Facts in support of their Cross-Motion for Summary Judgment (D.I. 598 and 606)
- All redactions to Paragraph 57 of Moderna Exhibit 84 (D.I. 601-1 and 602-1)
- All redactions to Paragraph 92 of Plaintiffs' Reply Affirmative Statement of Facts in support of their Cross-Motion for Summary Judgment (D.I. 612 and 616);
- The following redactions to Plaintiffs' Exhibit 124 (D.I. 613-3 and 617-3): the redactions to the portion of Paragraph 267 that is on page 129, and the redactions in Paragraph 606.

IT IS FURTHER STIPULATED AND AGREED by the parties, subject to the approval of the Court, that Moderna otherwise maintains the requests made in the pending motions to seal, and that Plaintiffs do not oppose those remaining requests. Following the Court's resolution of the pending motions to seal, the parties shall submit to the Clerk via email replacement versions of the documents listed above without the withdrawn redactions, together with any other revisions to the redactions Ordered by the Court, and the Clerk shall make the substitution on the docket.

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SO ORDERED this ____ day of October, 2025.

UNITED STATES DISTRICT JUDGE